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13 CLEAR CHANNEL OUTDOOR, INC.

14 **UNITED STATES DISTRICT COURT**  
15 **NORTHERN DISTRICT OF CALIFORNIA**  
16 **SAN FRANCISCO DIVISION**  
17

18 RICHARD TRAVERSO,

19 Plaintiff,

20 vs.

21 CLEAR CHANNEL OUTDOOR, INC.; and  
22 DOES 1 through 10, inclusive,

23 Defendants.  
24

Case No. C07-3629 MJJ

**JOINT CASE MANAGEMENT  
STATEMENT AND PROPOSED ORDER**

**Date:** November 6, 2007  
**Time:** 2:00 p.m.  
**Courtroom:** 11 (19th Floor)  
**Judge:** Martin J. Jenkins

Action Removed: July 13, 2007  
Trial Date: None

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Plaintiff RICHARD TRAVERSO and Defendant CLEAR CHANNEL OUTDOOR, INC. submit the following Joint Case Management Statement and Proposed Order:

1. **Jurisdiction and Service.** This Court has subject matter jurisdiction over plaintiff's claims pursuant to 28 U.S.C. §§ 1331, 1441(b). No issues exist regarding personal jurisdiction or venue. All parties have been served.

2. **Facts.** Plaintiff is a lessor (through assignment) and Defendant is a lessee (also through assignment) under a commercial lease agreement effective May 1, 1984 ("Lease"). The Lease is for erecting and maintaining advertising signs at 650-660 Bryant Street in San Francisco, California ("Property"). Plaintiff contends that the Lease, which was originally for a term of five years (with an automatic rollover provision of a like term if not terminated), was subsequently extended by letter agreements to February 28, 2007. Plaintiff contends that on December 22, 2006, Plaintiff served Defendant with a notice of termination of the Lease. Plaintiff contends that Defendant has refused to vacate the Property. On June 4, 2007, Plaintiff filed an unlawful detainer action in the San Francisco Superior Court. On July 13, 2007, Defendant removed the action to this Court.

3. **Legal Issues.** Plaintiff contends that it is entitled to immediate possession of the Property and back rent for the fair rental value of the Property. Defendant contends that Plaintiff's notice of termination was defective, that it is entitled to retain possession of the Property, and that the terms of the current Lease apply including the provisions regarding rent.

4. **Motions.** On August 8, 2007, Defendant filed a Motion to Dismiss which was denied by the Court on October 12, 2007. On September 20, 2007, Plaintiff filed a Motion for Relief From Case Management Schedule which was denied by the Court on October 26, 2007. Plaintiff intends to file a motion for summary judgment. Defendant may move for summary judgment.

5. **Amendment of Pleadings.** Plaintiff does not intend to amend his complaint.

6. **Evidence Preservation.** The parties have agreed to preserve all evidence relevant to the issues reasonably evident in this action.

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1           7.     **Disclosures.** On October 9, 2007, Defendant served its initial disclosures under  
2 Federal Rules of Civil Procedure 26(A)(1). Plaintiff will serve its initial disclosures by the deadline  
3 set forth under Federal Rules of Civil Procedure 26(A)(1).

4           8.     **Discovery.** No discovery has been undertaken to date. The parties anticipate that  
5 their discovery will generally consist of requests for production of documents and depositions.

6           9.     **Class Actions.** This is not a class action.

7           10.    **Related Cases.** There are no related cases or proceedings pending before another  
8 judge of this Court, or before another court or administrative body.

9           11.    **Relief.** Plaintiff seeks immediate possession of the Property and back rent for the  
10 fair rental value of the Property. At present, Plaintiff seeks approximately \$270,000 based on the  
11 fair rental value of the Property. Defendant believes that Plaintiff's damages, if any, should be  
12 limited to the rent set forth under the Lease.

13           12.    **Settlement and ADR.** The parties are currently in informal settlement  
14 discussions. The parties are amenable to mediation.

15           13.    **Consent to Magistrate Judge for all Purposes.** On July 18, 2007, Defendant  
16 filed a Declination to Proceed Before Magistrate Judge.

17           14.    **Other References.** This action is not suitable for reference to binding arbitration,  
18 a special master, or the Judicial Panel on Multidistrict Litigation.

19           15.    **Narrowing of Issues.** At present the parties are unaware of any issues that can be  
20 narrowed by agreement or by motion and do not request the bifurcation of any issues, claims, or  
21 defenses. Plaintiff believes that the presentation of evidence at trial can be expedited through  
22 stipulated facts.

23           16.    **Expedited Schedule.** Plaintiff believes that this action should proceed on an  
24 expedited basis.

25           17.    **Scheduling.** The parties only recently received the Court's order on Plaintiff's  
26 Motion for Relief of Case Management Schedule and have not had an opportunity to propose dates  
27 for the designation of experts, discovery cutoff, hearing of dispositive motions, pretrial conference,  
28 or trial.

1 Defendant proposes:

2 Completion of non-expert discovery: March 3, 2008

3 Disclosure of experts and initial expert reports due: March 17, 2008

4 Rebuttal expert reports due: April 4, 2008

5 Completion of expert discovery: May 5, 2008

6 Last day to file dispositive motions: May 5, 2008

7 Last day to set hearing on dispositive motions: June 3, 2008

8 Pretrial Conference: June 3, 2008

9 Trial: June 16, 2008

10 Plaintiff proposes:

11 Completion of non-expert discovery: December 31, 2007

12 Disclosure of experts and initial expert reports due: January 15, 2008

13 Rebuttal expert reports due: February 1, 2008

14 Completion of expert discovery: February 15, 2008

15 Last day to file dispositive motions: February 15, 2008

16 Last day to set hearing on dispositive motions: March 14, 2008

17 Pretrial Conference: March 14, 2008

18 Trial: March 31, 2008

19 18. **Trial.** The parties request a jury trial. The parties anticipate that the action can be  
20 tried in three days excluding jury selection.

21 19. **Disclosure of Non-Party Interested Entities or Persons.** The parties will each  
22 file a Disclosure of Interested Entities or Persons.

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20. **Other Matters.** None.

Dated: October 30, 2007

**WENDEL, ROSEN, BLACK & DEAN LLP**

By: /s/

Richard A. Sipos  
Attorneys for Plaintiff  
RICHARD TRAVERSO

Dated: October 30, 2007

**REED SMITH LLP**

By: /s/

David S. Reidy  
Attorneys for Defendant  
CLEAR CHANNEL OUTDOOR, INC.

Wendel, Rosen, Black & Dean LLP  
1111 Broadway, 24th Floor  
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**CASE MANAGEMENT ORDER**

The Joint Case Management Statement and Proposed Order is hereby adopted by the Court as the Case Management Order for the case and the parties are ordered to comply with this Order. Plaintiff is ordered to serve a copy of this Order on any parties subsequently joined in this action.

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Martin J. Jenkins  
United States District Judge

Wendel, Rosen, Black & Dean LLP  
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Oakland, CA 94607-4036

**PROOF OF SERVICE**

*Traverso v. Clear Channel Outdoor, Inc., et al.*

**United States District Court Northern District Case No. C07-3629 MJJ**

**Hon. Judge Martin J. Jenkins**

I, Christine M. Estrada, declare:

I am a citizen of the United States and am employed in Alameda County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 1111 Broadway, 24th Floor, Oakland, California 94607-4036. On October 30, 2007, I served a copy of the within document(s):

**JOINT CASE MANAGEMENT STATEMENT AND  
PROPOSED ORDER**

☒ By E-Filing: Via the court-mandated e-filing service

Scott D. Baker, Esq.

Jonah D. Mitchell, Esq.

David S. Reidy, Esq.

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☒ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on October 30, 2007, at Oakland, California.



Christine M. Estrada